



Agricultural Land Commission
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September 14, 2010

Reply to the attention of Simone Rivers
ALC File: 51736

Teresa & Kai Gibbon
6952 Upper Louis Creek Road
Heffley Creek, BC
V0E 1Z1

Dear Sir/Madam:

Re: Application to Subdivide in the Agricultural Land Reserve

Please find attached the Minutes of Resolution # **2627/22010** outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Brian Underhill, Executive Director

Enclosure: Minutes

cc: Thompson-Nicola Regional District (ALR00012)

RW
/51736d1



A meeting was held by the Provincial Agricultural Land Commission on August 18, 2010 at Williams Lake, B.C.

PRESENT:	Richard Bullock	Chair
	Gordon Gillette	Vice Chair, Interior Panel
	Lucille Dempsey	Commissioner
	Denise Dowswell	Commissioner
	Ron Wallace	Staff

For Consideration

Application:	51736
Applicant:	Teresa & Kai Gibbon
Proposal:	To subdivide the 2 ha property into a 0.8 ha lot and a 1.2 ha lot in order to facilitate the building of a second dwelling on the property.
Legal:	Lot 2, Section 11, Township 22, Range 15, West of the 6 th Meridian, Kamloops Division Yale District, Plan 34648
Location:	6952 Upper Louis Creek Road, Heffley Creek

Context

The proposal was weighed against the purposes of the Commission as stipulated in section 6 of the *Agricultural Land Commission Act* (the "Act"). They are:

1. to preserve agricultural land
2. to encourage farming on agricultural land in collaboration with other communities of interest, and
3. to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

Discussion

Assessment of Agricultural Capability

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system, or the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system.

The agricultural capability of the soil of the subject property is

Class 6 – Land in this class is non-arable but is capable of producing native and or uncultivated perennial forage crops.

Subclasses

T topography

Assessment of Agricultural Suitability

The Commission assessed whether external factors such as encroaching non-farm development have caused or will cause the land to become unsuitable for agriculture. The Commission does not believe there are external factors that render the land unsuitable for agricultural use.

Assessment of Impact on Agriculture

The Commission also assessed the impact of the proposal against the long term goal of preserving agricultural land. The Commission, when it considers applications for subdivision generally takes the view that subdivision is not consistent with long term agricultural activity and productivity. The Commission noted the relatively small size of the property (2 ha) and believed that it has more agricultural potential as a single unit than as the proposed two lots.

Conclusions

1. That the land under application has agricultural capability and is appropriately designated as ALR.
2. That the land under application is suitable for agricultural use.
3. That the proposal will negatively impact agriculture.
4. That the proposal is inconsistent with the objective of the *Agricultural Land Commission Act* to preserve agricultural land.

IT WAS

MOVED BY: Commissioner Gillette
SECONDED BY: Commissioner Dempsey

THAT the application be refused.

AND THAT the applicant be advised of the provisions of Section 33 of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration.

- S.33 (1) *On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that*
- (a) evidence not available at the time of the original decision has become available,*
 - (b) all or part of the original decision was based on evidence that was in error or was false.*
- (2) *The commission must give notice of its intention to reconsider a decision under subsection (1) to any person that the commission considers is affected by the reconsideration.*

AND THAT the applicant be advised that a revised proposal does not constitute new information and will not be considered as a basis for reconsideration, that the time limit for submitting a request for reconsideration is one (1) year from the date of the decision letter, and that if the applicant sells or transfers the property within one (1) year of the decision the new owner is not eligible to submit a request for reconsideration.

CARRIED
Resolution # 2627/2010